

HOUSE BILL 2532
By Hargett

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 21, Part 1, relative to pest control operators.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 21, Part 1, is amended by adding the following as a new, appropriately designated section:

Section 62-21-131.

(a) The board shall initiate a criminal background check on any person who is required by this chapter to be chartered or licensed to engage in commercial pest control activities prior to issuance of a charter or license.

(b) Any person who applies for a charter or license to engage in commercial pest control activities shall consent to:

(1) Provide past work and personal references to be checked by the board;

(2) Agree to the release and use of any and all information and investigative records necessary for the purpose of verifying whether the individual has been convicted of a criminal offense in this state to the board or to any law enforcement agency, or to any other legally authorized entity;

(3) Supply a fingerprint sample and submit to a state criminal history records check to be conducted by the Tennessee bureau of investigation, or a state and federal criminal history records check to be conducted by the Tennessee bureau of investigation and the federal bureau of investigation; and

(4) Release any information required for a criminal background investigation by a professional background screening organization or criminal background check service or registry.

(c) The board shall not disclose criminal background check information obtained under subsection (b) to a person who is not involved in evaluating a person's employment, except as required or permitted by state or federal law.

(d) Any costs incurred by the Tennessee bureau of investigation, professional background screening organization, law enforcement agency, or other legally authorized entity, in conducting investigations of such applicants shall be paid by the applicant. Payments of such costs to the Tennessee bureau of investigation are to be made in accordance with the provisions of §§ 38-6-103 and 38-6-109.

(e) The board shall be immune from any action taken by the board based upon criminal background information provided under this section.

(f) No person convicted of a felony shall be granted a charter or license to engage in commercial pest control activities.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it.